

**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q89074

Tsuyoshi MASUDA, et al.

Appln. No.: 10/542,048

Group Art Unit: 1796

Confirmation No.: 6247

Examiner: Gennadiy MESH

Filed: December 6, 2005

For: MODIFIED CROSS-SECTION POLYESTER FIBERS


**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. The statutory fee of **\$130.00** is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Joseph J. Ruch, Jr.  
Registration No. 26,577

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: April 29, 2008

# **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket  
Number

Q89074

In re Application of: Tsuyoshi MASUDA, et al.  
Application No.: 10/542,048  
Filed: December 6, 2005  
For: MODIFIED CROSS-SECTION POLYESTER FIBERS

The owner\*, TEIJIN FIBERS LIMITED, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patents: U.S. Patent 7,087,299 and U.S. Patent 7,189,797** as the term of said **prior patents** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patents** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patents** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patents**, "as the term of said **prior patents** is presently shortened by any terminal disclaimer," in the event that said **prior patents** later:

expires for failure to pay a maintenance fee;  
is held unenforceable;  
is found invalid by a court of competent jurisdiction;  
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;  
has all claims canceled by a reexamination certificate;  
is reissued; or  
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
April 29, 2008  
Date

\_\_\_\_\_  
Joseph J. Ruch, Jr.  
Typed or printed name

\_\_\_\_\_  
26,577  
Reg No.

\_\_\_\_\_  
(202) 293-7060  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.